

MINUTE ENTRY

9:15 a.m.

UNITED STATES OF AMERICA -v- JUANITO FABROS

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Court Reporter
K. LYNN LEMIEUX, Courtroom Deputy
TIMOTHY MORAN, Assistant U. S. Attorney
G. ANTHONY LONG, Counsel for Defendant
JUANITO FABROS, Defendant

PROCEEDING: SENTENCING

Defendant was present with his court appointed counsel, Attorney G. Anthony Long. Government by Timothy Moran, AUSA. Also present was U.S. Probation Officer, Margarita Wonenberg.

No objection by the government of the presentence report, as amended by the Court. Counsel for defendant had no objections.

Court adopted the amended presentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government had no objection to the advisory guidelines that the Court intends to be guided; Defense had not objections. Court adopted the advisory guidelines.

Government moved for a downward departure from the guidelines based on a 5K2.20 (Aberrant Behavior) and that the defendant leave the Commonwealth within 30 days; further, that a period of Probation would be appropriate. Defense recommended that the defendant be sentenced to non-custodial sentence and that the defendant leave the Commonwealth within 30 days of his sentence.

Court granted the Government's motion for a downward departure based on a 5K2.20 (Aberrant Behavior).

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant JUANITO FABROS is hereby sentenced to four years probation. The term of PROBATION will commence immediately and will require that the defendant comply with the following conditions:

1. The defendant shall depart the Commonwealth of the Northern Mariana Islands within 30 days of sentencing. He shall remain outside the United States and its Territories and Possessions and shall not re-enter without the permission of the U.S. Attorney General. If the defendant does not leave the Commonwealth, he shall immediately report to the U.S. probation Office to begin his term of probation;
2. The defendant shall not commit another federal, state or local crime;
3. The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. He shall submit to one

drug test within 15 days of release from imprisonment and at least two periodic drug test thereafter for use of a controlled substance;

4. The defendant shall submit to the collection of a DNA sample at the direction of the U.S. Probation Office;

5. The defendant shall comply with the standard conditions of probation as set forth by the U. S. Sentencing Commission and codified under 18 U.S.C. Â§3563;

6. The defendant shall be prohibited from possessing a firearm or other dangerous weapon and shall not have these items at his residence; and

7. The defendant shall participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol. The defendant shall also make co-payment for the program at a rate to be determined by the U.S. Probation Office;

8. The defendant shall refrain from the use of all alcoholic beverages; and

9. The defendant shall perform 300 hours of community service under the direction of the U.S. Probation Office.

It was further ordered that the defendant pay to the United States a special assessment fee of \$100 to be paid immediately after sentencing. All fines were waived.

No objection to the sentence by the attorneys. Defendant was advised that he had ten days in which to appeal his sentence. Further, the defendant was advised of his right to an attorney for appeal.

Court ordered the defendant to report immediately to the Clerk's Office to pay his assessment fee.

Further, Court ordered that the defendant's passport be released.

Adj. 9:45 a.m.

; [KLL EOD 03/29/2005]